

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
DIVISION OF DESIGN PROFESSIONALS
1511 PONTIAC AVENUE, BLDG. 68-2
CRANSTON, RI 02920**

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MINUTES

**BOARD OF EXAMINATION AND
REGISTRATION OF ARCHITECTS**

DATE: May 11, 2009

PLACE: Department of Business Regulation (DBR)

1511 Pontiac Avenue, Bldg 69-2 Conference Room

Cranston, RI 02920

MEMBERS PRESENT: Dana A. Newbrook, Wilbur E. Yoder, James R. Carlson, and Barbara Feibelman

MEMBERS ABSENT: Joseph A. Cirillo

OTHERS PRESENT: Richard W. Bernstein, DBR Executive Counsel

Brian J. Riggs, DBR Department Budget Administrator

Dawne Broadfield, Board Executive

Christian J. Ladds, AIA

David R. Prengaman, AIA

CALLED TO ORDER: Chair Newbrook called the meeting to order at 1:05 p.m. to commence Board business.

MINUTES OF THE MEETING OF THE BOARD

(1) Vice-Chair Yoder moved to approve the open meeting minutes of April 8, 2009 as published. Ms. Feibelman seconded. Motion approved.

(2) Vice-Chair Yoder moved to approve and seal the executive session meeting minutes of the April 8, 2009 as published. Ms. Feibelman seconded. Motion approved.

EXECUTIVE SESSION

(1) Secretary Carlson moved to convene into executive session at 1:05 p.m. pursuant to RI General Laws, §42-46-5 (a)(2) for sessions or work sessions pertaining to collective bargaining or litigation and §42-46-5 (a)(4) for investigative proceedings regarding allegations of civil or criminal misconduct. Vice-Chair Yoder seconded. Motion approved.

(2) Secretary Carlson moved to suspend executive session and to reconvene to an open meeting at 1:30 p.m. Ms. Feibelman seconded. Motion approved.

(3) Secretary Carlson moved to reconvene to executive session at 2:10 p.m. Vice-Chair Yoder seconded. Motion approved.

(4) Secretary Carlson moved to adjourn from executive session and to reconvene to an open meeting at 2:40 p.m. pursuant to R.I.G.L. §42-46-4. Vice-Chair Yoder seconded. Motion approved.

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(5) Secretary Carlson moved to seal the executive session and record the votes taken in executive session pursuant to RI General Laws §42-46-4 and §42-46-5. Vice-Chair Yoder seconded. Motion approved to close Andrew Horowitz, Owner, True Form, Inc. (Marketing Material).

(6) Secretary Carlson moved pursuant to RI General Law §42-46-4 that the Board defer disclosure of all votes in executive session until such time as such disclosure would not jeopardize any strategy, negotiation, or investigation undertaken concerning RI General Law §42-46-5(a). Vice-Chair Yoder seconded. Motion approved.

OLD BUSINESS

(1) Proposed Amendments to the “Rules and Regulations”

The “Rules and Regulations” have been scheduled for Public Hearing to be held on June 8, 2009 at 2:30 p.m. Notification of the Proposed Amendments has been sent to the President and Executive Director of the American Institute of Architects-RI Chapter (AIA/RI) and the Legal Counsel of the National Council of Architectural Registration Boards (NCARB).

The Department of Business Regulation (DBR) Director added an amendment to the Proposed Amendments to increase the renewal fee from a biennial fee of \$100 to a biennial renewal fee of \$150. During discussion Attorney Bernstein told the Board that the DBR Director made the Proposed Amendment because of the State’s financial crisis and also to make the fees consistent with the surrounding States. Secretary Carlson stated that when the Board did its investigation, it was the Board’s conclusion that Rhode Island was not out-of-line with surrounding States. Ms. Feibelman indicated that it was hard to compare since it is not “apples” to “apples”. Attorney Bernstein indicated that this item can be discussed at the Public Hearing.

Attorney Bernstein told the Board that he will be conducting the Public Hearing and will be taking public comments. After conclusion of the Public Hearing, the Board will make a recommendation. Attorney Bernstein will then prepare that recommendation and submit it to the DBR Director who can approve, reject or modify.

Secretary Carlson indicated that he supports the revisions but unfortunately will not have the opportunity to vote on them. Secretary Carlson also indicated that every year during the NCARB Annual Meeting, NCARB presents revisions its Model Law, which results in changes to the Model Law. One of this Board's goals is to try to stay as consistent with NCARB as it possibly can so that Laws are consistent from State-to-State. This Board has been able to do that.

(2) Certificate of Authorization (COA) Requirement (Professional Liability Insurance)

Research was done in polling the Region to inquire if any other States require Errors & Omissions (E&O) insurance for registration. Only Massachusetts requires this insurance for Limited Liability Companies (LLC) and Limited Liability Partnerships (LLP) but this Board does not know why. Also, the National Council of Architectural Registration Boards (NCARB) does not require this requirement as part of its Model Law.

Secretary Carlson called Schinnerer and spoke to a Senior Manager who advised him that no States require E&O insurance for registration. Secretary Carlson stated that the Senior Manager indicated that many architectural problems are "residential" problems. In Rhode Island, a person does not need to be registered to perform architectural services for residential property. If the Board

enacted this requirement for registration, then the architect performing architectural services for residential property is automatically at a financial disadvantage. The senior manager's input was the same as Donald Goodrich's, who appeared before the Board at the last meeting. The Senior Manager also indicated that the Contractor's have been lobbying so that they can have someone that they can sue. Secretary Carlson stated that after talking to Schinnerer, he would go into this very, very cautiously, if at all. At this point, he would recommend that the Board not pursue this requirement any further.

Ms. Feibelman suggested that the Board close this issue, since the Board has hesitated to enact a requirement for insurance at a time when most of this Board's registrants are struggling anyway. Attorney Bernstein suggested that the Board send a letter to NCARB suggesting that NCARB study this issue for Model Guidelines. Ms. Feibelman asked if the Board could just keep themselves alert as to what happens nationally rather than ask NCARB to look at something that this Board thinks probably does not make sense right now.

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Because of the Board's transition right now, Secretary Carlson moved to continue the discussion with the new Board members. Ms. Feibelman seconded. Motion approved.

(3) Record Retention Schedule

Mrs. Broadfield updated the Board and indicated that she spoke to Ms. Shirley DosSantos, Project Coordinator, who indicated that the Board has to work with the Legal Division to develop a Record Retention Schedule specifically for the Division of Design Professionals. Attorney Bernstein suggested that Mrs. Broadfield contact Attorney Neena Savage to begin working on this development. Mrs. Broadfield indicated that right now the Division of Design Professionals is working off of the General Schedule. Therefore, this has been continued.

(4) 2009 Legislative Session

Attorney Bernstein updated the Board on the two (2) bills introduced by the Department of Business Regulation (DBR) Director's Office.

The first bill would enable DBR to require email addresses from all licensees with a waiver for hardships, so that DBR can go to a paperless environment. Attorney Bernstein told the Board that it passed the House.

The second bill, #S-0532 Sub A, would establish consistency in the Administrative Processes and Procedures within DBR for all of its Boards and Commissions. Attorney Bernstein discussed and gave the specifics of the bill.

(5) On-line Renewals for "Individuals"

RI.gov was given a July 1, 2009 deadline to decide whether or not the implementation of on-line renewals can go forward. The Board is also in the process of proposing amendments to its Rules and Regulations which include an increase in the biennial renewal fee. This fee cannot be given to RI.gov until the new Rules and Regulations are adopted. Ms. Feibelman moved to continue. Secretary Carlson seconded. Motion approved.

BLUE BOOKS (RECIPROCITY)

(A) Vice-Chair Yoder moved to approve the following Blue Books as submitted with an expiration date of December 31, 2009. Ms. Feibelman seconded. Motion approved.

- (1) BENAVIDES, Nelson (13) MARTIN, J. Christopher**
- (2) BROWN, Richard B. (14) PARET, Sandra**
- (3) COLLIER, Ned (15) ROBINSON, Michelle**
- (4) CUTSUMPAS, John P. (16) SCHWARZ, Aaron B.**
- (5) DeBOO, Danile M. (17) SIENIEWICZ, Thomas M.**
- (6) FISHMAN, Jonathan M. (18) SLOANE, AIA, Todd C.**
- (7) GALANTE, Theodore (19) SMITH, Barry R.**
- (8) GEIER, Gerard F.X. (20) SMITH, Sylvia Jane**
- (9) JAFFE, Eric T. (21) SWANSON, Roger A.**
- (10) KAPLAN, Daniel (22) TAYLOR, Heather H.**
- (11) LOEFFELMAN, Pamela J. (23) TAYLOR, Terence D.**
- (12) LOTT, Lawrence (24) WING, Alexander K.**

(B) Secretary Carlson moved to approve the application for Brent T. Heinzer as submitted with an expiration date of December 31, 2009. Vice-Chair Yoder seconded. Motion approved.

(C) Secretary Carlson moved to hold the application for John M. Banks pending receipt of explanation of his disciplinary action as submitted. Ms. Feibelman seconded. Motion approved.

(D) Secretary Carlson moved to approve the application for William G. Adair, Jr., with the stipulation that Mr. Adair reports any and all projects that he has in the State of Rhode Island to the Board thirty (30) days before the project starts, as submitted with an expiration date of December 31, 2009. Vice-Chair Yoder seconded. Motion approved.

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BLUE BOOK (REINSTATEMENT)

(A) Secretary Carlson moved to approve the reinstatement of the Blue Book as presented with an expiration date of December 31, 2009. Vice-Chair Yoder seconded. Motion approved.

(1) VICTORICK, John Raymond, #2134

CERTIFICATES OF AUTHORIZATION (COA) APPLICATIONS (See Attached List)

(A) Ms. Feibelman moved to approve the applications for the Certificates of Authorization for the Sole Proprietorships for Nicolai A. Calabro, Andrew R. Loverud, and Andrew B. Shapiro as submitted. Secretary Carlson seconded. Motion approved.

(B) Ms. Feibelman moved to approve the application for the Certificate of Authorization for the Limited Liability Company (LLC) for NBBJ Architecture, PLLC as submitted. Secretary Carlson seconded. Motion approved.

(C) Ms. Feibelman moved to approve, after the review of practiced or solicited prior to have been registered noted, the renewal application for Certificate of Authorization for the Limited Liability Company for Outerbridge Horsey Associates, PLLC, #ALLC46, as submitted. Secretary Carlson seconded. Motion approved.

(D) Ms. Feibelman moved to approve the application for the Certificate of Authorization for the Limited Liability Partnerships (LLP) for Polshek Partnership, LLP and Zimmer Gunsul Frasca Architects, LLP as submitted. Secretary Carlson seconded. Motion approved.

(E) Ms. Feibelman moved to approve the applications for the Certificates of Authorization for the Corporations for Arkinetics, Bascon, Inc. and Morrison Hershfield Architects, P.A. as submitted.

Secretary Carlson seconded. Motion approved.

(F) Ms. Feibelman moved to approve the Business Structure Change for the application for Certificate of Authorization for the Corporation for BRR Architecture, Inc., #A-14,050, as submitted. Secretary Carlson seconded. Motion approved.

(G) Ms. Feibelman moved to approve the Name Change for the application for Certificate of Authorization for the Corporation for CDI Architects, Inc., #A-14,335, as submitted. The former name was CDI Architects, Inc. d/b/a CDI Design Solutions. Secretary Carlson seconded. Motion approved.

(H) Ms. Feibelman moved to deny the application for Certificate of Authorization for the Corporation for McGinley Kalsow & Associates, Inc. as submitted and that Attorney Bernstein compose a letter to McGinley Kalsow & Associates, Inc. explaining that the firm can either practice as a Sole Proprietorship or form a Corporation that meets the requirements of Rhode Island General Laws, §5-1-15.1(a). Secretary Carlson seconded. Motion approved.

NEW BUSINESS

(1) Election of Officers

Secretary Carlson moved to continue “election of officers” for the new Board. Ms. Feibelman seconded. Motion approved.

(2) (a) National Council of Architectural Registration Boards (NCARB) Annual Meeting – Discussion on How the Board will vote on the Resolutions

The NCARB Annual Meeting will be held in Chicago, Illinois from June 17 – 21, 2009. Rhode Island has always been well attended at all NCARB Annual meetings. NCARB will fund two (2) delegates. Secretary Carlson encouraged the new members, if at any way possible, to attend. NCARB holds a training session for new Board members. It gives a good opportunity to see what NCARB does for the Board and also gives a

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Board member a good opportunity to talk and network issues with Board members from other States to network issues, since the States all have the same type of issues, and to meet NCARB staff. There is one (1) NCARB Annual meeting and two (2) Regional New England Conference of Architectural Registration Boards (NECARB) meetings.

Rhode Island has been very well represented on various NCARB Committees and NCARB does not work without their volunteer Committee members.

(b) NCARB Annual Meeting – Appointment of Delegate(s) to Attend – Notification Deadline – May 15, 2009

Secretary Carlson moved that Vice-Chair Yoder be the Rhode Island voting member. Ms. Feibelman second. Motion approved.

Secretary Carlson moved that Vice-Chair Yoder vote his conscious at the meeting so that the Board is not directing him on how to vote on the Resolutions. Ms. Feibelman seconded. Motion approved.

Vice-Chair Yoder and new member, Mr. Prengaman, will be attending as the NCARB “Funded Delegates.” Mrs. Broadfield will provide the information to new member, Mr. Grosvenor. Mr. Ladds cannot attend.

(3) Monthly Meetings

After discussion among the new Board members, it was agreed on that the regular monthly Board meetings will be held on the second Monday of the month, except when a Monday is a Holiday.

(4) Board Members

Ms. Feibelman thanked the outgoing Board members, Chair Newbrook, Secretary Carlson and Mr. Cirillo, for their extraordinary service to the Board.

ADJOURNMENT

Chair Newbrook announced that the next meeting of the Board is scheduled for June 8, 2009 at 1:00 p.m. at 1511 Pontiac Avenue, Conference Room 69-2, Cranston, RI 02920. Secretary Carlson moved to adjourn the meeting at 3:16 p.m. Vice-Chair Yoder seconded. Motion approved.

Respectfully submitted,

James R. Carlson, NCARB, AIA

Secretary

JRC/dmb

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C. O. A. APPLICATIONS

Board Meeting of MAY 11, 2009

SOLE PROPRIETORSHIPS

NICOLAI A. CALABRO -0 - APPROVED – 05/11/09

ANDREW R. LOVERUD - 0 - APPROVED – 05/11/09

ANDREW B. SHAPIRO - 0 - APPROVED – 05/11/09

LIMITED LIABILITY COMPANIES

NBBJ ARCHITECTURE, PLLC \$100. APPROVED – 05/11/09

OUTERBRIDGE HORSEY ASSOCIATES, PLLC \$125. APPROVED – 05/11/09

ALLC46 - Answered “Yes” to Question of practiced or solicited prior to having been registered.

LIMITED LIABILITY PARTNERSHIPS

POLSHEK PARTNERSHIP, LLP \$100. APPROVED – 05/11/09

ZIMMER GUNSUL FRASCA ARCHITECTS, LLP \$100. APPROVED – 05/11/09

CORPORATIONS

ARKINETICS \$100. APPROVED – 05/11/09

BASCON, INC. \$100. APPROVED – 05/11/09

BRR ARCHITECTURE, INC. - 0 - APPROVED – 05/11/09

A-14,050 – Business Structure Change

CDI ARCHITECTS, INC. \$50. APPROVED – 05/11/09

A-14,335 – Name Change

Removing “Fictitious Business Name”

dba CDI Design Solutions

DENIED – 05/11/09 – FIRM CAN EITHER PRACTICE

AS A SOLE PROPRIETORSHIP OR FORM A CORP.

THAT MEETS THE REQUIREMENTS OF RHODE

**MCGINLEY KALSOW & ASSOCIATES, INC. \$100. ISLAND GENERAL
LAWS, §5-1-15.1(a)**

**MORRISON HERSHFIELD ARCHITECTS, P.A. \$100. APPROVED –
05/11/09**

SYMMES MAINI & MCKEE ASSOCIATES - 0 - APPROVED – 05/11/09

A-14,274 – Change in Responsible Control

Adding Alex C. Pitkin

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